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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
DAVID EIDMAN,

Plaintiff : 08 Civ. 03392 (LBS)

-against-

ERNEST STANLEY O'NEAL, et al.

ECF CASE  
Electronically Filed

Defendants. :

-----x  
In re: MERRILL LYNCH & CO., INC.,  
Securities, Derivative & ERISA Litigation

Master File No.  
07 Civ. 9633 (LBS)

-----x  
MDL No. 1933

### NOTICE OF VOLUNTARY DISMISSAL

Plaintiff David Eidman ("Plaintiff") hereby voluntarily dismisses the action Eidman v. O'Neal et al, 08 Civ. 03392 (LBS) against all defendants without prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1).

Dated: New York, New York  
August 8, 2008

Respectfully submitted,

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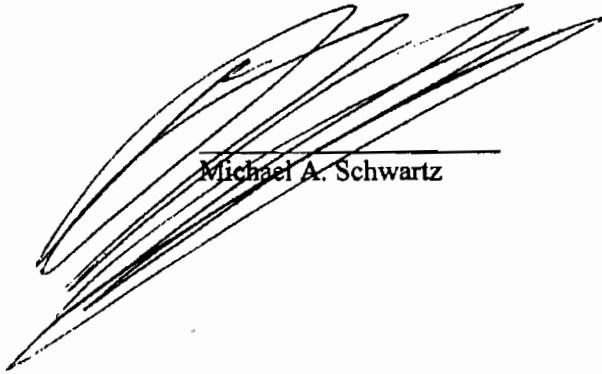
*Attorneys for Plaintiff David Eidman*

**CERTIFICATE OF SERVICE**

I, Michael A. Schwartz, hereby certify that I caused a true and correct copy of **PLAINTIFF DAVID EIDMAN'S NOTICE FOR VOLUNTARY DISMISSAL** to be served via ECF upon the following counsel of record on August 8, 2008:

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